

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE:)	
)	
LAWANDA M. FREEMAN,)	CHAPTER 13
)	
Debtor.)	CASE NO. 22-00619-DSC13
)	
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LAWANDA M. FREEMAN,)	
)	
Plaintiff,)	
)	
v.)	ADVERSARY PROCEEDING NO.
)	
LVNV Funding LLC and Resurgent)	22-00042-DSC
Capital Services L.P.,)	
)	
Defendants.)	

**RESURGENT CAPITAL SERVICES L.P.’S ANSWER AND
AFFIRMATIVE DEFENSES**

COMES NOW Defendant Resurgent Capital Services L.P. (“Resurgent”), by and through undersigned counsel, and hereby files its Answer and Affirmative Defenses to the complaint of plaintiff/debtor Lawanda M. Freeman (“Plaintiff”), stating as follows:

JURISDICTION

1. Paragraph 1 of the Complaint consists of legal conclusions to which Resurgent is not required to respond. To the extent a response is required, Resurgent

admits only that the referenced statutes speak for themselves, and denies any inconsistent or additional allegations.

2. Resurgent admits that Plaintiff brought this action in relation to Plaintiff's objections to LVNV Funding, LLC's ("LVNV") claims numbered 11, 12, 13, 14, 15, 16, 18, 20, & 21 (the "Claims"). Otherwise, denied.

PARTIES

3. Resurgent lacks sufficient information to admit or deny the allegations contained in Paragraph 3 and, therefore, denies the same and demands strict proof thereof.

4. Resurgent admits that it is headquartered in Greenville, South Carolina. Otherwise, denied.

FACTUAL ALLEGATIONS

5. Admitted.

6. Resurgent admits that Plaintiff objected to the Claims on June 27, 2022. Otherwise, denied.

7. Resurgent admits that Plaintiff's discovery requests speak for themselves. Otherwise, denied.

8. Denied.

9. Denied.

10. Resurgent admits that Fed. R. Bankr. P. 3001(c)(2) speaks for itself, denies any violation thereof, and denies that Plaintiff is entitled to any damages or relief sought for any alleged violation thereof.

11. Resurgent admits that the documents produced to Plaintiff speak for themselves. Otherwise, denied.

12. Resurgent admits that the documents produced to Plaintiff speak for themselves. Otherwise, denied

13. Resurgent admits that the documents produced to Plaintiff speak for themselves. Otherwise, denied.

14. Denied.

15. Resurgent admits that Fed. R. Bankr. P. 3001(c)(2)(D) speaks for itself, denies any violation thereof, and denies that Plaintiff is entitled to any damages or relief sought for any alleged violation thereof.

16. Denied.

17. Denied.

18. Denied.

PRAYER FOR RELIEF

In response to the paragraph beginning with WHEREFORE, and located after Paragraph 18, Resurgent states that the debtor is not entitled to compensatory damages, attorney's fees, punitive damages, or any other relief.

AFFIRMATIVE DEFENSES

Resurgent asserts the affirmative defenses set forth below. By designating these defenses as affirmative defenses, Resurgent does not concede that it bears the burden of proof with respect to any of them.

FIRST DEFENSE

Resurgent acted in good faith and specifically denies that it engaged in any conduct that was outrageous, intentional and malicious or done with reckless disregard with respect to Plaintiff. Resurgent never engaged in any knowing, willful or fraudulent conduct with respect to Plaintiff.

SECOND DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

THIRD DEFENSE

Plaintiff has failed to meet her burden of proof in rebutting the presumption, under Fed. R. Bankr. 3001(f), that the challenged Claims are valid.

FOURTH DEFENSE

Resurgent complied substantially and in good faith with the applicable provisions of Fed. R. Bankr. 3001.

RESERVATION OF DEFENSES

Resurgent reserves the right to assert additional defenses as discovery progresses. To the extent that any of the foregoing allegations in the Complaint have not been expressly admitted or denied, they are hereby denied.

Respectfully submitted this 10th day of October, 2022.

s/ R. Frank Springfield

R. Frank Springfield (SPR024)

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*Counsel for Defendant Resurgent Funding,
LLC*

CERTIFICATE OF SERVICE

I hereby certify that on October 10th, 2022, a true and correct copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

/s/ R. Frank Springfield
OF COUNSEL